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SEP 03 2025

SC Court of Appeals

Clerk of the Court

Court of Appeals South Carolina

RE: Petition For Writ of Mandamus – STRITZINGER v STRITZINGER ET AL

Sept 3, 2025

2025-000964

**MOTION FOR LEAVE OF COURT TO EXTEND PLENARY PERIOD DUE TO CIRCUIT COURT
DELAYS ON BILL OF EXCEPTION, APPOINTMENT OF COUNSEL, AND ROUTING OF
BRIEF ON RECONSIDERATION/REHEARING**

Dear Clerk of Court,

I recently filed a Motion For Reconsideration/Rehearing which was in Brief Form, and expected it would be routed to the Judge who heard my complaint inside the courts plenary power. This usually in most courts of the world is at least 30 days, and usually 90 days by Statute/Rules of Appellate Procedure. These rules are in force so that Motions for Rehearing, Reconsideration, and EnBanc Reconsideration can be determined by the court in an Expedited manner.

A Judge entering a dispositive order, and a Mandate terminating the courts own plenary power, and the power of higher courts to review orders is highly unusual if not illegal as goes in the form of potential obstruction of Justice. Since State Supreme Courts have to enter basic rulings on the merits of appeals for the US Supreme Court to review them, we believe the effective order in this case poisons further appeals on the same issue in higher courts which is a precedent which certainly cannot stand.

From General Concerns to Exact Application in South Carolina Law

From General Complaints on the Processes of South Carolina vs the US Court of Appeals, and other States(PA, DE, MD, TX, FL, VA) just to name a few, I offer South Carolina Rules of Appellate Procedure Rule 221 which clearly shows this court has jurisdiction over its own orders for 15 days.

This court entered an Order on 07/17/2025, but the Circuit Court via the Chief Judge Daniel Cobel was still reviewing a Bill of Exception presented and included in this document on **07/25/2025 when it was hand delivered and submitted electronically to the Circuit Court**, and the lower courts plenary appellate power had not concluded, and for the same reason this courts plenary power had not terminated by extension. This goes

to motions being overruled as an operation of law, which would have been approximately 08/25/2025, taking the plenary power of this court to **September 9th, 2025, not on the date the court issued the mandate.**

MOTION TO EXTEND TIME AND RETRACT MANDATE UNTIL REHEARING IS DISPOSITIONED

Petitioner believes since the Circuit Court Plenary period did not terminate until 08/25/2025 as an operation of law, this courts plenary power is 09/09/2025 at least a week from today. Petitioner believes the court should therefore retract the mandate and reissue it after taking up his Reconsideration/Rehearing Petition already filed many weeks ago.

Since Petitioner believes that such an order is wise and just and does not cause the court harm, noting that Petitions for Writ of Mandamus can be entered by the Supreme Court of South Carolina without respect to time anyway.

OBJECTIONS TO THE FORM OF THE ORDER FROM THE COURT OF APPEALS

Appellant notes and reminds the court that the very order cited is the very order on appeal, and it can't be used as the sword to take down litigation, while at the same time being used as a shield against further appeals. ("Principal of the Sword and Shield"). Thus the courts own order is an form which is clearly illegal.

MOTION FOR APPOINTMENT OF COUNSEL

Appellant had his assets frozen by the lower court, and cannot afford for the same reason hire an attorney on his own behalf, and neither will any attorney talk to him because he has no money. The trial court provisions are necessarily a DUE PROCESS COMPLAINT which must be dispatched before the court can move to the merits of an action on state statute. We have had no trial in a formal manner in any court in South Carolina, and my case has been tried twice before by three other Stritzinger family members who ALL LOST. This is not a double jeopardy event it's a triple jeopardy event.

Appellant requests the court appoint counsel for him in this case if Mr. Bartlett is not ordered to appear.

PRAYER

Petitioner prays for the court to appoint counsel, enter an order on the termination of the Petition for Bill of Exception in the Circuit court, and Enter an Order on the Plenary power of the court. Petitioner prays his motion for reconsideration/rehearing be sent to the court so it can enter a Writ of Mandamus to the US District Court.

Sincerely,

John S. Stritzinger

843-352-3459

RULE 221

REHEARING AND REMITTITUR

(a) Rehearing. Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court. A petition for rehearing shall be in accordance with Rule 240, and shall state with particularity the points supposed to have been overlooked or misapprehended by the court. No return to a petition for rehearing may be filed unless requested by the appellate court. Ordinarily, however, rehearing will not be granted in the absence of such a request. No petition for rehearing shall be allowed from an order denying a petition for a writ of certiorari under Rule 242, SCACR, declining to entertain a matter under Rule 245, SCACR, or denying a motion to reinstate under Rule 260, SCACR. A petition for rehearing shall not exceed fifteen (15) pages.

(b) Remittitur. The remittitur shall contain a copy of the judgment of the appellate court, shall be sealed with the seal and signed by the clerk of the court, and unless otherwise ordered by the court shall not be sent to the lower court or administrative tribunal until fifteen (15) days have elapsed (the day of filing being excluded) since the filing of the opinion, order, judgment, or decree of the court finally disposing of the appeal. If a petition for rehearing is received before the remittitur is sent, the remittitur shall not be sent pending disposition of the petition by the court. Where a petition for rehearing has been denied, the Court of Appeals shall not send the remittitur to the lower court or administrative tribunal until the time to petition for a writ of certiorari under Rule 242(c) has expired. If a petition for writ of certiorari is filed, the Court of Appeals shall not send the remittitur until notified that the petition has been denied. If the writ is granted by the Supreme Court, the Court of Appeals shall not send the remittitur.

(c) Rehearing of Motions. The appellate court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.

Last amended by Order dated April 30, 2024.

CERTIFICATE OF SERVICE

The Following was delivered to James R. Stritzinger Jr via electronic methods on September 3rd, 2025 before filing in this court.

John S. Stritzinger

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